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**FILED**

JUL 30 2010

**NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF CHIROPRACTIC EXAMINERS

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IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
JAY M. PLOTKIN, D.C.	:	CONSENT ORDER
License No. 38MC00376800	:	
	:	
TO PRACTICE CHIROPRACTIC	:	
IN THE STATE OF NEW JERSEY	:	

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This matter was opened to the New Jersey State Board of Chiropractic Examiners upon application of Jay M. Plotkin, D.C. for the reinstatement of his license to practice chiropractic in New Jersey. The following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent, Jay M. Plotkin, D.C., is a chiropractic physician in the State of New Jersey and has been a licensee at all times relevant hereto.

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2. On or about June 27, 2006, Respondent pleaded guilty to the crime of Health Care Fraud, in violation of 18 U.S.C. § 1347, before the Hon. David D. Dowd, Jr., a United States Senior District Judge in the Northern District of Ohio.

3. Respondent was sentenced on December 20, 2006 to be incarcerated for a total term of 30 days, commencing on January 8, 2007. Thereafter, Respondent was to be on supervised release for a term of 2 years. Also, Respondent was ordered to pay restitution to six insurance companies in the aggregate amount of \$67,912.91.

4. As a consequence of Respondent's conviction, a Final Order of Discipline After Mitigation Hearing was issued by the Board on December 3, 2008. The findings of fact and conclusions of law of that Final Order are incorporated herein by reference as if fully set forth.

5. On June 24, 2010, Respondent appeared *pro se* before the Board seeking reinstatement of his license to practice chiropractic in New Jersey. Respondent expressed his willingness to comply with all conditions placed upon his return to practice by the Final Order of December 3, 2008, except for the active portion of his suspension, which has already been served. Respondent acknowledged that the initial twenty-one (21) months of his return to practice in New Jersey must be as an associate of another licensed chiropractor in good standing of this State, and that he will be required to appear before the Board again prior to any practice as a solo practitioner to demonstrate his fitness to do so.

6. Respondent testified that he had taken steps to comply with all other requirements of the Final Order of December 3, 2008.

#### CONCLUSIONS OF LAW

1. The aforesaid conduct continues to provide grounds for the suspension or revocation of Respondent's license to practice chiropractic in New Jersey pursuant to N.J.S.A 45:1-21(f) and (k), in that Respondent has been convicted of an offense involving moral turpitude and which relates adversely to the practice of chiropractic; and has violated an insurance fraud prevention law of another jurisdiction.

#### Discussion

The Board has considered the testimony of Respondent in support of his request for the reinstatement of his license to practice chiropractic in New Jersey with conditions, and finds that the cognitive deficits overcome by Respondent in attaining a doctor of chiropractic degree, despite brain surgery at age 13, were a contributing cause of his past transgressions. The Board accepts that Respondent has taken, and will further take, steps to compensate for his cognitive deficits, so as to continue providing competent chiropractic care in a manner consistent with the health, safety and welfare of the public; adequately documenting, and appropriately billing for that care.

Based on the foregoing findings of fact and conclusions of law, and for good cause shown, the Board therefore finds that it is consistent with the health, safety and welfare of the public that Respondent's license be reinstated with certain conditions.

ACCORDINGLY, IT IS on this 27 day of July, 2010,  
ORDERED AND AGREED that:

1. Respondent's license to practice chiropractic in the State of New Jersey shall be reinstated subject to the condition that for a period of twenty-one (21) months from commencing practice, Respondent shall practice chiropractic in this State only in association with another licensed chiropractor in good standing of this State. Prior to resuming practice in New Jersey as a solo practitioner, Respondent shall appear before the Board (or a committee thereof) to demonstrate his fitness to do so; and any solo practice in this State prior to said appearance shall constitute non-compliance with this Order.

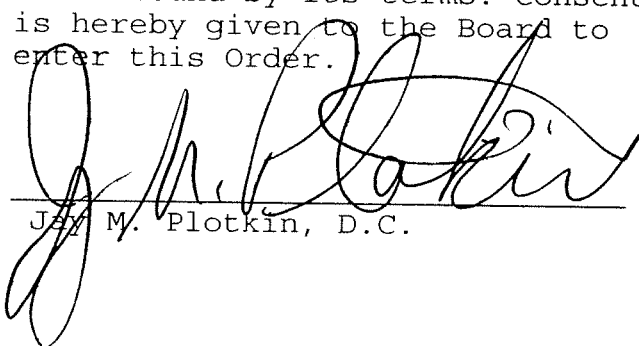
2. Respondent shall arrange at his own expense for John Kelly, CPC, AHFI, or another certified professional coder approved in advance by the Board, to transmit a written report of his audit of Respondent's coding and billing, at no more than six (6) month intervals, to: Jonathan Eisenmenger, Executive Director, Board of Chiropractic Examiners, P. O. Box 45004, Newark, New Jersey 07101.

3. The Directives of the Board applicable to any Chiropractic Board licensee who is suspended, revoked or whose surrender of licensure has been accepted are incorporated by reference as though fully set forth herein, whether or not they are attached hereto.

NEW JERSEY STATE BOARD OF  
CHIROPRACTIC EXAMINERS

By: \_\_\_\_\_  
Michael B. Krouse, D.C.  
Board President

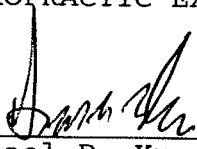
I have read and understand the  
within Consent Order and agree  
to be bound by its terms. Consent  
is hereby given to the Board to  
enter this Order.

 7/21/10  
\_\_\_\_\_  
Jay M. Plotkin, D.C.

3. The Directives of the Board, applicable to any Chiropractic Board licensee who is suspended, revoked or whose surrender of licensure has been accepted are incorporated by reference as though fully set forth herein, whether or not they are attached hereto.

NEW JERSEY STATE BOARD OF  
CHIROPRACTIC EXAMINERS

By: \_\_\_\_\_

 DC 7/27/10  
Michael B. Krouse, D.C.  
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

  
Jay M. Plotkin, D.C. 7/21/10

RECEIVED  
JUL 29 2010  
NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS